

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MAJOR LEAGUE BASEBALL PLAYERS
ASSOCIATION,

Plaintiff,

08 CIV 04570 (VM)

vs.

STEINER SPORTS MARKETING INC.,

NOTICE OF MOTION

Defendants.
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PLEASE TAKE NOTICE THAT, pursuant to Rule 7 of the Federal Rules of Civil Procedure and Local Rule 6.1, Defendant Steiner Sports Marketing Inc., upon the annexed Affirmation of Richard A. Roth, dated July 29, 2008 and the accompanying memorandum of law in support, will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, in Courtroom 20B before the Hon. Judge Victor Marrero, on the 3rd day of September, 2008, at 10:00 am, or as soon thereafter as counsel may be heard, for an order dismissing Count V of the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

DATED: New York, New York
July 29, 2008

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